

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7554 of 2005

Between:

G. Krishnamma, w/o G. Rama Krishna Reddy,
R/o Tirumalayyagari Gram Panchayat, Vedurukuppam Mandal, Chittoor District.

..... PETITIONER

AND

1 Government of Andhra Pradesh,
rep. by its District Collector (Panchayat Raj)
Chittoor, Chittoor District.
2 District Panchayat Officer,
Chittoor, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction , more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in impounding the records and the cheque books of Tirumalayyagaripalli Gram Panchayat in a punitive manner, even before an explanation to be submitted by the petitioner to the show cause notice in RC.No. 304/2005 A4 (Panchayat) dated 18-3-2005 and before a valid and binding order could be passed thereof, as being illegal, arbitrary and violative of mandatory provisions of A.P. Panchayat Act 1994, Part IX of Constitution of India as well as the principles of natural justice, this as being violative of Article 14 of Constitution of India, in as much as the duly elected sarpanch has been prevented without any just cause by the respondents from discharging her statutory and constitutional obligation enjoyed upon her.

Counsel for the Petitioner: MR.D.SESHADRI NAIDU

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the stage of admission, made the following :

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ORDER:

The petitioner is the Sarpanch of Tirumalayyagari Gram Panchayat. It is not in dispute that the petitioner was served with a show cause notice dated 18.03.2005 issued by the second respondent-District Panchayat Officer, Chittoor, under Rule 42 of the Rules made under G.O.Ms.No. 30 (PR & RD & R) dated 20.01.1995 calling upon him to explain the alleged misappropriation of the Gram panchayat funds within 10 days from the date of receipt of the said notice.

The petitioner states that the allegations made in the show cause notice are incorrect and without any basis and he has submitted necessary explanation. However, the grievance of the petitioner is that after serving the show cause notice, the second respondent telephonically informed him to produce certain records as well as two cheque books which were used by the petitioner as the Sarpanch and in compliance with the same the petitioner has submitted the records together with the cheque books to the second respondent on 01.03.2005. It is alleged that the records submitted by him were returned but the cheque books have been retained by the second respondent.

Learned counsel for the petitioner contends that the action of the second respondent-District Panchayat Officer without passing any order under Rule 42 of the Act is arbitrary and illegal. Hence this writ petition.

I have heard learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj appearing for the respondents.

Learned Government Pleader, under instructions, states that no order as such has been passed prohibiting the petitioner from drawing the amounts of the Gram Panchayat and the cheque books which were collected from the petitioner for verification will be returned to the petitioner.

Accordingly, recording the statement of the learned Government Pleader, the writ

petition is disposed of with a direction to the second respondent to return the two cheque books collected from the petitioner forthwith. However, it is made clear that this shall not preclude the respondents to proceed with the enquiry initiated under the notice dated 18.03.2005 and to pass appropriate orders. No costs.

11.04.2005

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To

1 The District Collector (Panchayat Raj)

Government of Andhra Pradesh,

Chittoor, Chittoor District.

2 The District Panchayat Officer,

Chittoor, Chittoor District.

3 Two CCs to the GP for Panchayat Raj
& Rural Development, High Court Buildings,
Hyderabad (O.U./T.)

4 2 CD copies